

DEC 22 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

MELVIN L. EDDINGTON, JR.,

Petitioner - Appellant,

v.

DON HILL, Superintendant,

Respondent - Appellee.

No. 99-15368

D.C. No. CV-96-06067-REC
Eastern District of California,
Fresno

ORDER

Before: O'SCANNLAIN, TASHIMA, Circuit Judges, and MATZ,* District Judge.

The Motion to Permit Late Filing of Petition for Rehearing and Suggestion for Rehearing En Banc is DENIED.

The Memorandum Disposition filed on October 16, 2003, is ordered amended as follows:

The citation to *Jeffries v. Wood*, 75 F.3d 491, 494 (9th Cir. 1996), on page 2 is deleted.

*The Honorable A. Howard Matz, United States District Court Judge for the Central District of California, sitting by designation.

The sentence, “Similarly, we reject the petitioner’s Confrontation Clause claims.”, is added prior to the final sentence on page 4.